

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

ELIZABETH McNAIR, Administrator Ad
Prosequendum of the ESTATE OF
DARRELL SMITH, and ELIZABETH
McNAIR, Individually,

Plaintiff(s)

v.

STATE OF NEW JERSEY, DEPARTMENT
OF CORRECTIONS, SPECIAL
TREATMENT UNIT, ADULT
DIAGNOSTIC & TREATMENT CENTER,
COMMISSIONER MARCUS O. HICKS, in
his official and individual capacity,
RAYMOND ROYCE, in his official and
individual capacity, NEW JERSEY
DEPARTMENT OF HEALTH, RUTGERS,
THE STATE UNIVERSITY OF NEW
JERSEY, d/b/a/ RUTGERS BIOMEDICAL
& HEALTH SCIENCES, UNIVERSITY
CORRECTIONAL HEALTH CARE,
CHARICE POWELL, in her official and
individual capacity, GIUSEPPE
MANDARA, in his official and individual
capacity, HENRY ACEBO, in his official
and individual capacity, OFFICER JAGDAT
PERSAD, in his official and individual
capacity, OFFICER MARZETTIE
SHAMBERGER, in his official and
individual capacity, SGT. FREDDIE
RODRIGUEZ, in his official and individual
capacity, OFFICER JOSE VALENTIN, in
his official and individual capacity,
OFFICER DAMION GILBERT, in his
official and individual capacity, OFFICER
RONY APONTE, in his official and
individual capacity, OFFICER TIMOTHY
FOSTER, in his official and individual
capacity, OFFICER BENNY PEREZ, in his
official and individual capacity, SGT.
TIMMIE ORANGE, in his official and

Civil Action No: 2:21-cv-01291

**ORDER OF VOLUNTARY DISMISSAL AS
TO DEFENDANT ANTONIO COSTEIRA
(IMPROPERLY PLED AS ANTONIO
COSTEIRO)**

individual capacity, ESTATE OF SGT. PHILIP RILEY, in his official and individual capacity, LT. ANTONIO COSTEIRO, in his official and individual capacity, LT. FRANCISCO ESTRADA, in his official and individual capacity, ARTHUR BREWER, M.D., CCHO, in his official and individual capacity, FRANK A. GHINASSI, PHD, in his official and individual capacity, JULIE WHITE, MSW, CCHP, in her official and individual capacity, IHUOMA NWACHUKWU, M.D., in her official and individual capacity, BHARATKUMAR R. PATEL, M.D., in his official and individual capacity, BENEDICTA KONAMAH, RN, in her official and individual capacity, BALMATEE NAIDOO, R.N., in her official and individual capacity, YVONNE P. PADEN, R.N., in her official and individual capacity, MARIE COLTILDE FLEURANTIN R.N., in her official and individual capacity, DELORES GUIDA, R.N., in her official and individual capacity, JOHN DOES 1-20, JANE ROES 1-20, in their official and individual capacity, and ABC COMPANY/ CORPORATION, 1-10) (fictitious names),

Defendant(s).

AND NOW, this ____ day of _____, 2022, upon consideration of the Joint Stipulation of Voluntary Dismissal filed by the Defendant, Sgt. Antonio Costeira (improperly pled as Antonio Costeiro), and through his counsel, Dughi, Hewit & Domalewski, and agreed to by the Plaintiffs, Elizabeth McNair, Administrator Ad Prosequendum of the Estate of Darrell Smith, and Elizabeth McNair, Individually, and for good cause shown, it is hereby

ORDERED and DECREED that, pursuant to Rule 41 of the Federal Rules of Civil Procedure, all claims and causes of action asserted in Plaintiffs' Second Amended

Complaint as to Defendant Antonio Costeira, improperly pled as Antonio Costeiro, shall be **DISMISSED** without prejudice based on the terms set forth in the parties' Joint Stipulation of Voluntary Dismissal.

IT IS SO ORDERED.

Hon. Cathy L. Waldor, U.S.M.J.

Dated: _____